

**SNOHOMISH COUNTY
Charter Review Commission**

Minutes

Wednesday April 19, 2006, 7:00 p.m.

Conference room

Monroe Fire Department

Monroe, Washington

Commission Members Present: Kim Halvorson, Gail Rauch, Ryan Larsen, David Simpson, Mike Cooper, Mark Bond, Jim Kenny, Kristin Kelly, Eric Earling, Wendy Valentine, Renee Radcliff Sinclair, and Barbara Cothern Hawksford.

Commission Members Excused: Rick Ortiz, Christine Malone, and Diane Symms.

Others in Attendance: Steve Reinig, Ed Husmann, John Postema, Jim Cummins, Greg Stevens, Allena Olson, Ed Moats, Peter Camp and other citizens

Call to Order: Chair Cooper called the meeting to order at 7:00 p.m.

Approval of Agenda: ACTION: Commissioner Hawksford moved that the agenda for the meeting be approved. Commissioners Rauch and Hawksford seconded the motion simultaneously and then unanimously approved by all commission members present.

Guest Speakers: Snohomish County Council Member Dave Somers. Mr. Somers spoke on public involvement with the Snohomish County Council and how he feels that there needs to be more public involvement. Mr. Somers said that he feels that evening meetings should become part of the schedule once a month as to allow more of the working public to attend. Mr. Somers view on the number of County Council members is that it should no be increased. He supported this opinion with the statement that the amount of unincorporated land is shrinking everywhere and fewer people are taking things to the county government because their taxes and such are being dealt with through the city government. Mr. Somers feels that there should be independently elected officials, that there should indeed be a salary commission, and that the codification of ordinances is redundant and unnecessary. Mr. Somers also stated that he feels the public would be better served if appeals issues that are currently brought in front of the council were taken to the courts instead.

DISCUSSION: Commissioner Hawksford asked Mr. Somers if he felt that it could be advantageous to have land use appeals have the option right away to go to the Superior Court instead of heading to the Council as they currently do. Mr. Somers replied that since there had never been such an option he didn't know whether or not it would benefit anyone to have that option.

Commissioner Sinclair asked if there are a lot of these appeals coming to the Council, and if it were put to the Superior Court how would that affect their case load. Mr. Somers replied that the Council sees six to eight cases a year. He stated that reasons to have the appeals moved to the courts is that there is no consistent policy coming out of the council, and that sometimes the outcome maybe politically motivated.

Commissioner Kenny asked Mr. Somers if he favored the sectional veto, and if he did what change would occur in the balance of power if that veto were adopted. Mr. Somers answered that he was okay with the sectional veto, and that the council could definitely handle allowing such a policy.

Commissioner Rauch asked Mr. Somers about where he thought an ombudsman should be placed if one were to be hired. Mr. Somers replied that the ombudsman should be placed under the council. Under the council the ombudsman would remain more independent and less likely to be politically influenced.

Commissioner Kelly asked Mr. Somers if he felt that long term planning should be moved. Mr. Somers replied that he did not think that long term planning should be moved. He also mentioned that he feels the council should be more of a legislative body.

Commissioner Kenny brought up the topic of Fire Marshall and the lack thereof. Commissioner Kenny asked Mr. Somers about his thoughts on that and the fact that there is only one arson investigator for Snohomish County. Mr. Somers replied that it is his feeling that these positions are very important and should be fully staffed.

Commissioner Kelly asked to talk more on the topic of increasing the number of council members. Mr. Somers replied that the number doesn't change the balance of the council. With an increase in the number of council members there could be a shift in the balance of power and we could end up with cities making decisions for small towns.

Commissioner Bond continued on the topic of the number of council members, asking whether or not needing the support of four people on the council could help balance things out. Mr. Somers replied that it could possibly make it better but just because there is a growing population doesn't mean that the amount of legislative duties has to increase. Mr. Somers said that there might be benefits to the increase but that those would be out weighed by the large addition of money needed for the salaries of the additional staff.

Commissioner Rauch asked even though the amount of unincorporated land is shrinking the public still pays county tax and shouldn't there be talk about transitioning services. Mr. Somers replied that there are ongoing talks about transitioning services.

Chair Cooper asked Mr. Somers if he felt that there was any benefit to the County Council if the County Clerk is independent. Mr. Somers replied that there is a more

direct relationship between the two bodies while the Clerk is independent but because there is not a large amount of contact he sees no significant benefit or downfall.

GUEST SPEAKER: Snohomish County Prosecuting Attorney Janice Ellis. Ms. Ellis presented her opinion on numerous topics including intergovernmental agreements, executive veto authority, executive signature authority, disability of elected officials, eminent domain, biennial budgeting, house keeping measures, and powers and duties of both the executive and the prosecuting attorney. Please see the attached information for a more detailed description of Ms. Ellis' presentation.

DISCUSSION: Commissioner Simpson asked Ms. Ellis why the Prosecuting Attorney was a partisan position. Ms. Ellis replied it is because that is how it appears in the state constitution, and it would take a constitutional amendment to change it to non-partisan.

Commissioner Hawksford stated that during the last charter review the house keeping amendments were shot down, what would stop that from happening again. Ms. Ellis replied that there is a definite need for strategic planning when putting house keeping measures out for approval.

Commissioner Kelly asked for Ms. Ellis' opinion on having the land use appeals go straight to Superior Court, and what the affect would be on her office if the County Council were to increase to seven members. Ms. Ellis replied that she did not know enough about the appeals to know how it would affect the workload. She stated that is was likely the process would become slower and more expensive if it were to go to Superior Court.

Commissioner Kelly asked if Ms. Ellis could find out the number of cases end up in Superior Court in the end. Ms. Ellis replied that she would.

Commissioner Sinclair asked Ms. Ellis her opinion on moving the County Clerk. Ms. Ellis stated that she did not have an opinion on this matter.

Commissioner Halvorson inquired about the powers of the executive and the prosecutor's office. She asked if Ms. Ellis had the proper powers to hire outside council. Ms. Ellis replied that she feels her powers are sufficient right now.

Commissioner Kenny asked if Ms. Ellis thought it would be a good idea to have a Sheriff's Citizen Oversight Committee. Ms. Ellis replied that she thinks it goes back to the fundamental question of how to enhance the public's confidence in their government. Personally Ms. Ellis does not feel there is a need for an oversight committee, and is very confident in the Sheriff and Deputies.

Commissioner Earling asked Ms. Ellis if the protection of 'just compensation', cited in her materials regarding eminent domain in Washington State law and precedent, was applicable to land use decisions such as those in King County Critical Areas Ordinance

that created controversy in 2005. Ms. Ellis stated that she did not feel she had the expertise on the issue of 'takings' and related compensation to answer the question appropriately.

Chair Cooper asked Ms. Ellis if Snohomish County would have different rules for minor parties. Ms. Ellis replied that if the laws are adequately addressed in state law then it is redundant to have them in the Charter. Chair Cooper inquired as to whether or not it was needed in the Charter. Ms. Ellis replied that it was not needed.

Public Comment: Mr. Ed Husmann spoke against increasing the number of County Council Members. He asked that efforts be spent on something more worthwhile. He stated that the monetary increase necessary for the increase of Council Members would be out of control. On the topic of the Fire Marshall and Arson Investigator Mr. Husmann stated that when his barn was burnt down his insurance company sent their own Arson Investigator and that the County's took a back seat to him.

Mr. John Postema handed out packets he had prepared and spoke on the topic of separate executive and legislative powers. He stated that it is not happening in Snohomish County and that it needs to be. He continued, saying that it needs to be spelled out within the Charter and that the benefit of that would be huge while the cost may be little or nothing. Mr. Postema said that right now too much is controlled by Planning & Development, which is executive and that is not acceptable.

Mr. Jim Cummins thanked the Commission for the handout ranking the Charter review topics.

Mr. Greg Stevens spoke on the topic of term limits, and that they should stay in place as to assist in getting 'new blood' into office. He also stated that the number of County Council Members should remain at five. Those who are from the cities would have too much influence over the happenings of small towns otherwise. Mr. Stevens also stated that there should be independently elected officials.

Chairs Remarks: Chair Cooper stated that the sheet handed out on the Charter Review topics was a reference material, and to be used for the Commissioners to figure out their positions on the topics. Chair Cooper also mentioned that there would be a memo sent outlining the process to be used next week during the beginning of the approval stage.

Adjournment: The meeting was adjourned at 8:20 p.m.

Minutes Submitted by:

Allena Olson
Recorder